

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

DENISE K. SHULL and THE RETHINK  
GROUP, INC.,

Plaintiffs,

v.

ANDREW ROSS SORKIN, BRIAN  
KOPPELMAN, DAVID LEVIEN, DAVID  
NEVINS, TBTF PRODUCTIONS INC.,  
SHOWTIME NETWORKS INC., and CBS  
CORPORATION,

Defendants.

Civil No.: 18 Civ. 12400 (GPD)

**DECLARATION OF ELIZABETH A. MCNAMARA IN SUPPORT OF  
MOTION BY DEFENDANTS ANDREW ROSS SORKIN, BRIAN KOPPELMAN,  
DAVID LEVIEN, DAVID NEVINS, TBTF PRODUCTIONS INC.,  
SHOWTIME NETWORKS INC., AND CBS CORPORATION  
TO DISMISS PLAINTIFFS' COMPLAINT**

I, Elizabeth A. McNamara, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm of Davis Wright Tremaine LLP, attorneys for Defendants Andrew Ross Sorkin, Brian Koppelman, David Levien, David Nevins, TBTF Productions Inc., Showtime Networks Inc., and CBS Corporation (collectively, "Defendants") in the above-captioned matter.

2. I submit this declaration to annex documents relevant to Defendants' motion to dismiss Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(6). These documents – Season One of Defendants' television series, *Billions*, and Plaintiffs' book, *Market Mind Games* – are integral to Plaintiffs' infringement claim, and are thus properly before the Court on Defendants' Rule 12(b)(6) motion. *See Peter F. Gaito Architecture, LLC v. Simone Dev. Corp.*, 602 F.3d 57, 64 (2d Cir. 2010).

3. Annexed hereto as **Exhibit A** is a true and correct copy of Season One of Defendants' television series, *Billions*. As Season One of *Billions* is found on a DVD, it will be filed with the Court under separate cover.

4. Annexed hereto as **Exhibit B** is a true and correct copy of Plaintiffs' book, *Market Mind Games*, written by Plaintiff Denise Shull. As *Market Mind Games* is a 236-page book, it will be filed with the Court under separate cover.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 8, 2019

/s/ Elizabeth A. McNamara  
ELIZABETH A. MCNAMARA